

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of)
Entwistle, et al.) Examiner: John K. Fristoe, Jr.
)
for VALVE ARRANGEMENT) Group Art Unit: 3753
)
) Confirmation No.: 7090
)
Serial No.: 10/573,873) Our Docket No.: 6495-0155WOUS
)
Filed: March 29, 2006)

Hartford, Connecticut, November 12, 2009

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NEW GROUND OF REJECTION IN EXAMINER'S
ANSWER AND REQUEST TO RE-OPEN PROSECUTION**

Dear SIR:

In response to the new ground of rejection issued in the Examiner's Answer dated September 15, 2009, and having a period for response extending until November 16, 2009, Applicants respectfully submit the following:

REMARKS, beginning on page 2 of this paper.

REMARKS

This Response is made in reply to the new ground of rejection dated September 15, 2009, in which:

Claim 8 was rejected under 35 USC § 103(a) as obvious over Tan (U.S. Pat. No. 5,687,759) in view of Kubiak (U.S. Pat. No. 4,024,045);

and further in reply to the Final Office Action dated September 8, 2008, in which:

Claims 1-5, 9, and 10 were rejected under 35 USC § 102(b) as anticipated by Tan (U.S. Pat. 5,687,759); and

Claims 6 and 7 were rejected under 35 USC § 103(a) as obvious over Tan in view of Kubiak (U.S. Pat. 4,025,045).

Claims 1-10 are pending.

Applicants respectfully traverse the rejections below.

Claim 8 was rejected under 35 USC § 103(a) as obvious over Tan (U.S. Pat. No. 5,687,759) in view of Kubiak (U.S. Pat. No. 4,024,045).

An obviousness rejection is improper unless supported by a clearly stated *prima facie* case of obviousness. A *prima facie* case of obviousness under 35 USC §103(a) is established only if the prior art would have taught or suggested the claimed subject matter "as a whole" to a person of ordinary skill in the art, at the time of the claimed invention. In particular, when an element of the claimed invention is not taught or suggested by *any* of the references in a proposed combination, then the combination of the deficient references likewise fails to teach or suggest the claimed invention.

Claim 8 depends from claim 1, which recites a valve arrangement with a housing, an inlet connection and an outlet connection, which are connected with each other via a flow path, in which is located a closing device, which has a valve seat and a valve element interacting with the valve seat, the valve element being loaded in the direction of the valve seat by a resetting device and being acted upon on the side facing the valve seat by a pressure in a first pressure chamber, said pressure corresponding to the pressure in the inlet connection, when the closing device is closed, and on the side facing away from the valve seat by the

pressure in a second pressure chamber, which is connected with the outlet connection via a channel arrangement, in which is located at least one auxiliary valve, and with the first pressure chamber via a throttle, wherein the channel arrangement ends in a suction nozzle arrangement, which is located in the flow path. Tan fails to teach or suggest a suction nozzle arrangement, as recited by claim 1.

At most, Tan teaches a servovalve having a primary valve 10 and a pilot valve 20. (See Tan, Figure 2). As discussed in the Inventor's Declaration submitted herewith, Tan's servovalve exemplifies a type of prior art valve that exhibits a problem of primary valve chatter during fluid flow through the flow path of the valve. Tan does not even recognize the problem of primary valve chatter. Thus, Tan fails to teach or suggest modifying Tan's servovalve to overcome valve chatter, or for any other reason. Moreover, for at least the reasons stated in the Inventor's Declaration submitted herewith, Tan does not teach or suggest how to make a suction nozzle arrangement. Thus, Tan fails to teach or suggest the recitations of claim 1, from which claim 8 depends.

Kubiak fails to supply the deficiencies of Tan with reference to claim 1, since Kubiak likewise fails to teach or suggest a suction nozzle arrangement. Even if Tan were combined with Kubiak, the combination still fails to teach or suggest a suction nozzle arrangement, as recited by claim 1.

At least because the combination of Tan and Kubiak does not teach or suggest the recitations of claim 1, the rejection of dependent claim 8 over Tan in view of Kubiak is improper under 35 USC § 103(a), and should be withdrawn.

For at least the reasons stated with reference to dependent claim 8, claim 1 and dependent claims 2-7, 9, and 10 also are allowable over even the combination of Tan and Kubiak. Accordingly, Applicants respectfully request that the rejections of claims 1-10 be withdrawn.

As Applicants have overcome or traversed each and every rejection raised by Examiner, Applicants respectfully request that Examiner withdraw the present rejections and pass to issue claims 1-10.

Applicants believe no fees are due in connection with this Response. If any fees are deemed necessary, Attorneys for Applicants hereby authorize the Commissioner to deduct such fees from our Deposit Account 13-0235.

Respectfully submitted,

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